



R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example in FIGS. 7-10 and 23 and in the specification as originally filed, for example on page 7, line 22 through page 10, line 2. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-4, 6-20 and 22-52 under 35 U.S.C. §103(a) as being unpatentable over Sahlman et al. (U.S. Pat. No. 6,693,902; hereinafter Sahlman) in view of McMillen et al. (U.S. Pat. No. 6,243,361; hereinafter McMillen) and Ohara (U.S. Patent No. 5,144,297) is respectfully traversed and should be withdrawn.

In contrast to the cited references, the presently claimed invention (claim 1) provides configuration storage at each switch storing a time/space configuration for the switch, all switches switching configuration to the stored time/space configuration in frame synchronization at the start of synchronized data frames by synchronizing switches of successive stages to a **configuration select signal** propagated from at least one switch of

an input stage, wherein configuration switching is initiated by a **prepare-to-switch signal** propagated from a master switch to all switches of an output stage and the input stage, the at least one switch of the input stage then propagating the configuration select signal. Claims 17 and 33-36 include similar limitations. The cited references do not appear to teach or suggest storing a time/space configuration, switching configuration to the stored time/space configuration in frame synchronization at the start of synchronized data frames by synchronizing switches of successive stages to a configuration select signal, and initiating configuration switching by a prepare-to-switch signal propagated from a master switch to all switches of an output stage and an input stage and at least one switch of the input stage then propagating the configuration select signal, as presently claimed. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Furthermore, although the Office Action has cited Sahlman, McMillen and Ohara, the Office Action does not apply the teachings of the references to the specifically claimed limitation of the presently pending claims. For example, claims 1, 17 and 33 recite "wherein configuration switching is initiated by a **prepare-to-switch signal** propagated from a master switch to all switches of an output stage and the input stage and the at least one switch of the input stage then propagating a **configuration select signal**." Claims 34-36 include similar limitations. The Office Action does

not identify exactly what portions of the applied references correspond to the claimed limitations (see pages 2-4 of the Office Action). Accordingly, the Office Action fails to establish a factual basis to support a *prima facie* conclusion of obviousness. Therefore the rejection does not appear to be sustainable and should be withdrawn.

Furthermore, the Office Action fails to present any objective evidence or convincing line of reasoning why one of ordinary skill in the relevant art would consider the tag mapping tables 108 that account for the topology of the network 14 (as described in McMillen) as being the same as the presently claimed time/space configuration for a switch. One of ordinary skill in the art would recognize the tag mapping tables 108 of McMillen as providing information about the physical connections (i.e., topology) of the processor modules 12 of McMillen. One of ordinary skill in the art would not view information about the physical connections (i.e., topology) of the processor modules 12 as being the same as a time/space configuration as presently claimed. Therefore, the Office Action does not appear to meet the Office's burden to factually establish that the cited references teach or suggest each and every element of the presently claimed invention. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Furthermore, the Office Action fails to specifically identify where each of the cited references is considered to teach or suggest a configuration select signal and a prepare-to-switch

signal, as presently claimed. In particular, Sahlman, McMillen and Ohara appear to be silent regarding a configuration select signal and a prepare-to-switch signal, as presently claimed. For example, a search of the cited references for the terms "configuration select signal" and "prepare-to-switch signal" found no occurrences. Since Sahlman, McMillen and Ohara are silent regarding a configuration select signal and a prepare-to-switch signal, as presently claimed, it follows that Sahlman, McMillen and Ohara do not teach or suggest configuration switching that is initiated by **a prepare-to-switch signal** propagated from a master switch to all switches of an output stage and the input stage and the at least one switch of the input stage then propagating **a configuration select signal**, as presently claimed. Therefore, the Office Action does not appear to meet the Office's burden to factually establish that the cited references teach or suggest each and every element of the presently claimed invention. As such, the presently pending claims 1, 17, 33-36 are fully patentable over the cited references and the rejection should be withdrawn.

Furthermore, although the Office Action has cited Sahlman, McMillen and Ohara, the Office Action does not apply the teachings of the references to the specifically claimed limitation of the presently pending claim 37. For example, claim 37 recites "A digital cross connect comprising plural switching stages, each stage having plural switches on plural chips receiving plural frames of time multiplexed input data and switching the data in

time and space, switches of different stages being on common chips supporting respective framing time bases for the different stages." The Office Action does not identify exactly what portions of the applied references correspond to the claimed limitations of claim 37 (see page 5, line 1 through page 6, line 2 of the Office Action). Accordingly, the Office Action fails to establish a factual basis to support a *prima facie* conclusion of obviousness with respect to claim 37. Therefore the rejection of claim 37 does not appear to be sustainable and should be withdrawn.

Furthermore, although the Office Action has cited Sahlman, McMillen and Ohara, the Office Action does not apply the teachings of the references to the specifically claimed limitation of the presently pending claim 41. For example, claim 41 recites a switch circuit on an integrated circuit chip comprising (i) switch circuitry receiving plural frames of time multiplexed input data and switching the data in time and space, (ii) a first frame counter to which a first portion of the plural frames of time multiplexed input data is synchronized and (iii) a second frame counter to which a second portion of the plural frames of time multiplexed input data is synchronized. The Office Action does not identify exactly what portions of the applied references correspond to the claimed limitations of claim 41 (see page 5, line 1 through page 6, line 2 of the Office Action). Accordingly, the Office Action fails to establish a factual basis to support a *prima facie* conclusion of obviousness with respect to claim 41. Therefore the

rejection of claim 41 does not appear to be sustainable and should be withdrawn.

Claims 2-4, 6-16, 18-32, 38-40 and 42-52 depend, directly or indirectly, from either claim 1, claim 17, claim 33, or claim 41 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Furthermore, the rejection of the dependent claims 2-4, 6-16, 18-32, 38-40 and 42-52 with the mere statement that the claims have limitations that are similar to the respective independent claims and thus are rejected with the same rationale applied against the independent claims (see page 4, lines 14-21 and page 6, line 3 through page 7, line 18 of the Office Action) does not appear to be a proper rejection. In particular, the rejection fails to specifically address the specific limitations of each dependent claim and clearly show how the cited references are considered to read on the specific limitations. Since the Office Action fails to specifically identify and clearly explain how the cited references are applied to the specific limitations of the dependent claims, it follows that the Office Action fails to establish a factual basis to support the *prima facie* conclusion of obviousness. As such, the rejection of the claims 2-4, 6-16, 18-32, 38-40 and 42-52 does not appear to be proper and should be withdrawn.

Furthermore, Applicant's representative traverses the Examiner's suggestion that it is inherent that the configuration

signal is carried via the A1 byte for OAM applications (see page 4, lines 14-18 of the Office Action). Inherency requires certainty of results, not mere possibility. See, e.g., *Ethyl Molded Products Co. v. Betts Package, Inc.*, 9 U.S.P.Q. 2d 1001 (E.D.Ky 1988). The Office Action does not identify exactly what portions of the Sahlman are relied for the conclusion of inherency (see page 4, lines 14-18 of the Office Action). Accordingly, the Office Action fails to establish a factual basis to support a *prima facie* conclusion of obviousness with respect to claims 2-4 and 18-20.

New claims 53-54 depend directly from claim 1 which is believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references.

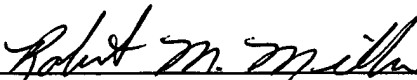
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 12-2252.

Respectfully submitted,

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